

REMARKS/ARGUMENTS

Claims 1-9, 11-30 and 32-44 are pending in the present application. Claims 1-4, 8-9, 14-15, 18, 22-23, 29-30, 35, 43 and 44 were amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Examiner has rejected Claims 1-7, 11, 13-28, and 32 -44 under 35 U.S.C. § 102, as being anticipated by U.S. Patent No. 5,861,881, to Freeman et al. (hereinafter "*Freeman*"). This rejection is respectfully traversed.

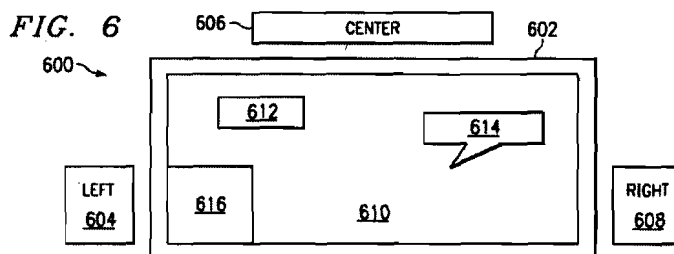
II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected Claims 12 and 33 under 35 U.S.C. § 103, as being unpatentable over *Freeman* in view of U.S. Patent No. 4,316,285, to Bobilin et al. (hereinafter "*Bobilin*"). This rejection is respectfully traversed.

III. Teaching of Applicants

Through their invention, Applicants seek to provide an arrangement whereby a user can customize a multimedia presentation of an event by means of a computerized multimedia system. Generally, sets of video, audio and other information streams pertaining to an event are provided to the user. Subsets of the video and audio streams are selected by the user, and then presented on corresponding video and audio output devices in response to user input. Thus, presentation of the event can be uniquely tailored to the needs of the user, while also reducing the bandwidth requirements for delivering information to the user. In one important feature, multiple video streams can be presented for viewing concurrently or simultaneously with one another, and also concurrently with one or more audio streams.

These teachings of Applicants are disclosed in the specification such as by Figure 6, and at page 4, lines 3-18; page 12, lines 14-33; page 14, lines 28-30; page 15, lines 12-16; page 16, line 33 – page 17, line 3; and at page 22, lines 17-26. Such teachings are as follows:



The present invention provides a method and apparatus for tailoring a multimedia presentation of an event on a computerized multimedia system. A set of video streams, a set of audio streams and a set of information streams are provided for the event via a network coupled to the computerized multimedia system. Video streams are selected for presentation from the set of video streams for the event. Audio streams are selected for presentation from the set of audio streams for the event. Information streams are selected for presentation from the set of information streams for the event. Responsive to user input, selected video streams and the selected audio streams are assigned to respective portions of video and audio output devices. The event is presented according to selected video stream and audio stream assignments. **[Specification, page 4, lines 3-18]**

The present invention provides a method, apparatus, and computer implemented instructions for decreasing bandwidth usage and for providing increased client customization of programs or events. The mechanism of the present invention is directed towards tailoring a multimedia presentation on a multimedia data processing system. This is accomplished by breaking up a program or event into different data streams for different audio and video components. Additional optional data streams may be added to allow for customization of the program or event. A data processing system may receive a set of video and audio streams associated with a program or event. These data streams may be selectively presented based on user input. Depending on the user input, some portions of the video and audio data streams may be presented while others are omitted. Further, user input may selectively place a video stream on a display. Also, information streams containing text and/or graphics may be received and selectively displayed in association with the presentation of the program or event. **[Specification, page 12, lines 14-33]**

The video 610 is displayed in display 602 with text box 612, text box 614, and video 616. **[Specification, page 14, lines 28-30]**

Video 616 is displayed using another data stream to provide additional viewing for the user. For example, video 616 may provide different perspectives in the program or may illustrate scene not currently displayed within video 610. **[Specification, page 15, lines 12-16]**

With respect to video overlays, several video overlays can also be streamed and selected in a manner similar to the audio streaming and mixed to "overlay" the final video. **[Specification, page 16, line 33 – page 17, line 3]**

If more than one video stream is selected (step 814), then the user configures the presentation of the multiple video streams (step 816). For example, one video stream could be presented on the left side of the video display and a second video stream could be presented on the right side of the video display. In another example, one video stream might occupy the entire video display screen, while a second video stream was placed in a smaller window within the first video stream. **[Specification, page 22, lines 17-26]**

IV. Rejection of Claim 1

In rejecting Claim 1, the Examiner stated the following in the Office Action:

2. Claims 1-7, 11, 13-28, 32 and 34-44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Freeman et al. (U.S. Patent No. 5,861,881).

Referring to claim 1, Freeman discloses receiving a set of audio and video streams (see Column 4, Lines 10-12).

Freeman also discloses presenting selected ones of the set of audio and video streams (see Column 5, Lines 38-40).

Freeman also discloses that responsive to a user input to the data processing system, selecting ones of the selected video streams and ones of the selected audio streams for the event, wherein the selecting step omits ones of the selected video streams and ones of the selected audio streams, while retaining ones of the selected video streams and ones of the selected audio streams (see Column 5, Line 55 through Column 6, Line 46 for selecting audio and video streams and seamlessly switching between the streams upon user input, therefore displaying/retaining ones of the audio and video streams while omitting others).

Freeman also discloses presenting the retained ones of the selected video streams and retained ones of the selected audio streams (see Column 5, Lines 38-40 for displaying the audio and video streams). [Office Action, 01/16/07, pp. 2-3]

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Moreover, it is a fundamental principal of patent law that prior art must be considered in its entirety. MPEP 2141.02

Applicants respectfully submit that the *Freeman* reference does not teach every element of the claimed invention, arranged as they are in Claim 1. For example, *Freeman* does not teach, in the overall combination of Claim 1, the Claim 1 feature of presenting each of the retained plurality of video streams concurrently with one another, and also concurrently with the retained audio streams.

V. Claim 1 Distinguishes over Cited References

Applicants consider that pertinent teachings of *Freeman* are found at col. 4, lines 7-14; col. 4, lines 58-60; col. 5, lines 9-19; col. 5, lines 38-41; col. 5, line 55-col. 6, line 46; col. 7, lines 32-37; and col. 8, lines 66-67. These sections respectively read as follows:

As shown in FIG. 1, the present invention is a computer based system for receiving a fully interactive program, allowing subscribers to interact with the program through the use of a keypad and personal computer. Alternatively, the multiple video/audio datastreams may be received from a broadcast transmission source or may be resident in local or external storage including CD ROM, video datatape, etc., as discussed below. [*Freeman*, col. 4, lines 7-14]

Broadcast television is received by the video selector 10, which selects among various television channels to capture a video signal to be displayed on the computer monitor 18. [*Freeman*, col. 4, lines 58-60] (Emphasis Added)

Since branching is always seamless in the preferred embodiment, the computer 6 may receive input from at least two devices, regardless of whether these sources are random access. This is necessary to avoid delays during search periods. While one device is playing the video, the

other searches for a new branch. When the second device finds the segment for output display, the other input device searches for a new branch. When the second device finds the segment to be shown, the branch occurs seamlessly. The apparatus and method for seamless branching among various video signals is described in the paragraphs below. [Freeman, col. 5, lines 9-19]

The CPU 108 determines what video to display and audio to play based upon the interactive commands which it receives. Based upon the commands, it plays the appropriate input from its input devices, which are the Video Selector [Freeman, col. 5, lines 38-41]

Regardless of the type of input device 22, user inputs can be utilized by the present invention immediately, or at a later time, to result in personalized graphics, video and/or audio presentation. For example, the present invention utilizes "trigger points," as described below, to enable subsequent branches among multimedia segments during the show. Additionally, more substantive user input, such as pictures and text, may be integrated into the interactive presentation. These types of user input are particularly useful in computer-aided learning applications, since they enable students to participate in lessons utilizing various media. The interactive computer 6 provides the framework to easily integrate the student's multimedia input into the session and to transmit the multimedia input to other students and teachers, via computer network and/or television broadcast.

As shown in FIG. 4, the interactive system of the present invention may operate on a computer network. In this configuration, the program is processed by the Video Server 70. The programs are sent over the network to the Client Stations 58, 62, 66. Any number of client stations may be supported. The configuration of each client station is preferably the interactive workstation as shown in FIG. 3.

The control for integrating the various multimedia elements is provided by the ACTV authoring language, a unique set of interactive commands to facilitate the interactive process. These commands may either be embedded into data portions of full-motion video segments or may reside separately on a storage medium such as a Winchester disk. When the commands are embedded within the full-motion video (for example, within the vertical blanking interval), the interactions occur as soon as the computer completes the recognition of a command group. When the commands are stored separately from the video segments in a digital segment, the timing of their execution is based upon "trigger points." These trigger points are time points at which the interactions are to occur, as explained in more detail below.

The user can view the interactive program either directly using the television set 90 or via the computer 94 screen as shown in FIG. 5. FIG. 5 is a diagram of an interactive subscriber station, receiving inputs from a multichannel cable transmission and showing outputs via either the computer 94 screen or a conventional television 90 monitor. Cable channels can be shown in a window on the PC screen using conventional demodulator cards. In this embodiment, a cable set top box receives the plurality of analog or digital video/audio signals from the multichannel cable. The interactive multimedia computer 94 also receives the video/audio signals from the multichannel cable and extracts the data codes, preferably embedded in the vertical blanking interval of the video signal(s). The interactive computer 94 detector detects and extracts data codes embedded in the data stream. These codes are preferably sent to RAM memory and interpreted by the main processor. Personalized audio and/or video selection occurs by the main processor sending a branching command to the cable set top box. The cable set top box processor interprets the command and seamlessly branches to the selected video.

In the embodiment of FIG. 5, the subscriber can receive typical conventional video analog programming from [Freeman, col. 5, line 55-col. 6, line 46] (Emphasis Added)

FIGS. 6-8 show preferred embodiments of the interactive multimedia computer 6 of the present invention to enable seamless flicker-free transparent switching between the digital video signals on the same channel or different channels. "Seamless" means that the switch from one video signal to another is user imperceptible. [Freeman, col. 7, lines 32-37] (Emphasis Added)

FIG. 7 shows an alternate, dual tuner embodiment for seamless switching between separate video signals. In this [Freeman, col. 7, col. 8, lines 66-67] (Emphasis Added)

It is readily apparent from the above sections of *Freeman*, as well as from other portions thereof, that *Freeman* fails to disclose or suggest the Claim 1 feature of presenting each of the plurality of video streams from the video stream subset concurrently with one another, or concurrently with selected audio streams, in the overall combination of Claim 1. As described above, this Claim 1 feature is taught by Applicants such as at page 14, lines 28-30, page 16, line 33-page 17, line 3, and page 22, lines 15-26 of their application.

Freeman is directed to an interactive computer system, wherein subscribers interact with a fully interactive program through the use of input devices at a personal computer or television. Multiple video and audio data streams are received from a broadcast transmission source, or may be resident in local or external storage. In response to user inputs, a personalized graphics, video and/or audio presentation is provided to the user, either immediately or at a later time. However, in contrast to the above Claim 1 teachings of Applicants, *Freeman* teaches a presentation arrangement wherein a user may select only a single video stream for presentation at a particular time. The single video stream is presented with an audio presentation and a personalized graphic arrangement. If the user wants to be presented with a different video stream, the user must select the different video stream. Then, the *Freeman* system will “seamlessly” switch or branch from the currently presented video stream to the newly selected video stream.

This teaching of *Freeman*, which is a central teaching thereof, is emphasized repeatedly, such as at col. 5, lines 9-19; col. 6, lines 42-44; col. 7, lines 32-37; and col. 8, lines 32-37. At col. 7, lines 32-37, *Freeman* stresses that the invention thereof enables seamless flicker-free transparent switching between digital signals, on the same or different channels, wherein “seamless” means that the switch from one video signal to another is user imperceptible. At col. 8, lines 66-67, *Freeman* again emphasizes seamless switching between separate video signals. Clearly, these teachings of *Freeman* direct those of skill in the art away from the Claim 1 recitation of presenting each of the plurality of video streams, selected from the video stream subset, concurrently with one another.

Moreover, Claim 1 distinguishes over *Freeman* in reciting a two-part selection procedure. First, Claim 1 recites selecting a subset of video streams from a received set of video streams, and similarly selecting a subset of audio streams from a set of received audio streams. Then, Claim 1 teaches selecting a plurality of video streams from the video stream subset for an event, and also selecting one or more audio streams from the audio stream subset. In addition, the second part of the selection procedure requires retaining some of the video streams of the video stream subset while omitting others, and likewise retains some of the audio streams of the audio stream subset while omitting others. It is readily apparent that *Freeman* does not show or suggest this two-part selection procedure in its entirety, as required by the recitation of Claim 1. *Freeman* also has no need for such procedure.

In amending Claim 1, Applicants consider that selecting a subset of the set of video (or audio) streams is equivalent to, or synonymous with, selecting ones of the set of video (or audio) streams, as was previously recited by Claim 1.

Applicants consider further that the *Bobilin* reference, either alone or in any combination with *Freeman*, fails to overcome the deficiencies of the *Freeman* reference, as discussed above, in regard to Claim 1.

VI. Remaining Claims Distinguish over the Cited References

Claims 2-9 and 11-13 respectively depend from Claim 1, and are each considered to patentably distinguish over the art for the reasons given in support thereof.

Claim 2 is additionally considered to distinguish over the cited art in reciting that the retained plurality of video streams are presented on a display simultaneously with one another, and that the method includes altering a location in the display in which at least one video stream of the retained plurality of video streams is presented. Applicants consider that no combination of the cited references shows or suggests these features.

Claim 3 is additionally considered to distinguish over the cited art in reciting the selection of different selected ones of the set of video streams for presentation simultaneously with one another. No combination of the cited references shows or suggests this feature.

Claim 4 is additionally considered to distinguish over the cited art in reciting that additional selected ones of the set of video streams are selected for presentation simultaneously with one another. No combination of the cited references shows or suggests this feature.

Independent Claim 14, 22, 35, 43 and 44 respectively recite subject matter similar to patentable subject matter of Claim 1, and are each considered to distinguish over the art for reasons given in support thereof.

Claims 15-21, 23-30, 32-34 and 36-42 depend from Claims 14, 22 and 35, respectively, and are each considered to patentably distinguish over the art for the reasons given in support thereof.

VII. Conclusion

It is respectfully urged that the subject application is patentable over the cited art and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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